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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ARIZONA  
3  
4 GRAND CANYON TRUST; } Case No. 13-8045-DGC  
5 CENTER FOR BIOLOGICAL DIVERSITY; }  
6 SIERRA CLUB; and } JOINT MOTION TO ENTER  
7 HAVASUPAI TRIBE, } STIPULATED AGREEMENT  
8  
9 Plaintiffs }  
10 vs. }  
11 MICHAEL WILLIAMS, Forest Supervisor, }  
12 Kaibab National Forest; and }  
13 UNITED STATES FOREST SERVICE, an }  
14 agency in the U.S. Department of Agriculture, }  
15  
16 Defendants, }  
17 and }  
18 ENERGY FUELS RESOURCES (USA) Inc.; }  
19 and EFR ARIZONA STRIP LLC, }  
20 Defendant-Intervenors. }

14 The parties -- Plaintiffs Havasupai Tribe, Grand Canyon Trust, Center for  
15 Biological Diversity, and Sierra Club (“Plaintiffs”); Federal-Defendants Michael  
16 Williams and the U.S. Forest Service; and Defendant-Intervenors Energy Fuels  
17 Resources (USA) Inc. and EFR Arizona Strip LLC (together, “EFR”) -- jointly move  
18 this Court for an order that approves and adopts, as an order of this Court, the terms of  
19 the Stipulated Agreement between Plaintiffs and EFR through which EFR has agreed to  
20 put shaft sinking operations at the Canyon Uranium Mine (“Mine”) on standby status  
21 until this Court issues a final appealable order or judgment on the merits or until  
22 December 31, 2014, whichever is sooner. A copy of the executed Stipulated Agreement  
23 is attached as Exhibit A.

24 During the proceedings on Plaintiffs' appeal of this Court's denial of their  
25 Motion for Preliminary Injunction (Doc. 86), the parties agreed to resolve the appeal in  
26 the manner set forth in the Stipulated Agreement. In exchange for EFR's agreement to  
27 put shaft sinking operations at the Mine on standby, Plaintiffs have agreed to stay all  
28 proceedings in the Ninth Circuit Court of Appeals related to their Preliminary Injunction  
Appeal, including their Emergency Motion for Injunction Pending Appeal. The parties

1 have agreed to request that this Court enter the terms of Plaintiffs and EFR's Stipulated  
2 Agreement as an order of this Court to ensure compliance. Should this Court grant this  
3 Motion and enter the Stipulated Agreement as an order of the Court, the parties jointly  
4 will seek a stay of the appellate proceedings consistent with the Stipulated Agreement.  
5 Finally, the parties intend for the litigation before this Court to continue in the normal  
6 course, unaffected by this motion.

7 A proposed Order accompanies this Joint Motion to Enter Stipulated Agreement.  
8

9 Respectfully submitted,

10 November 5, 2013

*/s/ Richard W. Hughes*  
Richard W. Hughes

*Attorneys for Plaintiff Havasupai Tribe*

13 November 5, 2013

*/s/ Neil Levine*  
Neil Levine  
Marc Fink  
Roger Flynn

*Attorneys for Plaintiffs Grand Canyon  
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and Sierra Club*

19 November 5, 2013

GALLAGHER & KENNEDY, P.A.

20

By: */s/ David J. DePippo*  
Michael K. Kennedy  
Bradley J. Glass  
David J. DePippo

*Counsel for Defendant-Intervenor*

24 November 5, 2013

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Acting Assistant Attorney General

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*/s/ Beverly F. Li*  
BEVERLY F. LI

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